

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Charles Wideman,)	Civil Action No. 2:21-cv-00482-RMG-MGB
)	
Plaintiff,)	
)	
vs.)	<u>ANSWER OF</u>
)	<u>DEFENDANTS GEORGE SINK, SR.</u>
George Sink, Sr.; Robert E. Treacy, Jr.,)	<u>and ROBERT E. TREACY, JR.</u>
)	
Defendants.)	
)	
)	

Without waiving their defenses of lack of subject matter jurisdiction, insufficient process and insufficient service of process pursuant to Federal Rule of Civil Procedure 12(b)(4) and 12(b)(5), Defendants George Sink, Sr., and Robert E. Treacy, Jr., (“Defendants”) responding to the Complaint of Plaintiff Charles Wideman, answer and respond as follows:

1. Except as is specifically admitted below, each allegation of the Complaint is denied.

FOR A FIRST DEFENSE

2. Defendants deny the factual allegations contained in the Complaint and deny that Plaintiff is entitled to any relief. Defendants specifically deny that a federal question exists, and that Defendants have been properly served.

FOR A SECOND DEFENSE

3. Each allegation contained above is realleged and incorporated by reference.
4. The Court lacks subject matter jurisdiction and therefore this matter must be dismissed.

FOR A THIRD DEFENSE

5. Each allegation contained above is realleged and incorporated by reference.

6. The Complaint fails to state a claim for which relief can be granted **pursuant to Federal Rule of Civil Procedure 12(b)(6).**

FOR A FOURTH DEFENSE

7. Each allegation contained above is realleged and incorporated by reference.

8. Defendants pleads release, waiver, laches, estoppel, condonation, and/or ratification.

FOR A FIFTH DEFENSE

9. Each allegation contained above is realleged and incorporated by reference.

10. Plaintiff failed to mitigate his alleged damages or losses.

FOR A SIXTH DEFENSE

11. Each allegation contained above is realleged and incorporated by reference.

12. Plaintiff's claim for punitive damages may be limited by South Carolina Code §15-32-530.

FOR A SEVENTH DEFENSE

13. Each allegation contained above is realleged and incorporated by reference.

14. The Complaint fails to a claim for punitive damages.

FOR AN EIGHTH DEFENSE

15. Each allegation contained above is realleged and incorporated by reference.

16. The matter must be dismissed as to Defendant George Sink, Sr. for failure of process and failure of service of process pursuant to Federal Rule of Civil Procedure 12(b)(4) (insufficient process) and 12(b)(5) (insufficient service of process) based on, among other things, failure to properly serve this Complaint on Defendant Sink, including, but not limited to, a

defective and invalid registered or certified mail, return receipt requested and delivery restricted to the addressee.

FOR A NINTH DEFENSE

17. Each allegation contained above is realleged and incorporated by reference.

18. The matter must be dismissed as to Defendant Robert E. Treacy, Jr. for failure of process and failure of service of process pursuant to Federal Rule of Civil Procedure 12(b)(4) (insufficient process) and 12(b)(5) (insufficient service of process) based on, among other things, a failure to serve this Complaint on Defendant Treacy by registered or certified mail, return receipt requested and delivery restricted to the addressee or otherwise.

FOR A TENTH DEFENSE

19. Each allegation contained above is realleged and incorporated by reference.

20. Defendants plead the doctrine of comparative fault.

Defendants specifically reserve their right to file a Motion to Dismiss on the grounds of lack of subject matter jurisdiction and improper process and improper service of process pursuant to Federal Rules of Civil Procedure 12(b)(4) and 12(b)(5).

WHEREFORE, having fully answered the Complaint, Defendants George Sink, Sr., and Robert E. Treacy, Jr., pray that this matter be dismissed with costs and attorneys' fees and for such other and further relief as is appropriate.

ROBINSON GRAY STEPP & LAFFITTE, LLC

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Attorney for Defendants

Columbia, South Carolina
August 13, 2021

CERTIFICATE OF SERVICE

I, the undersigned Attorney, of the law offices of Robinson Gray Stepp & Laffitte, LLC, attorneys for Defendants, do hereby certify that I have served the pro se plaintiff in this action with a copy of the foregoing document by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Document:

**ANSWER OF DEFENDANTS GEORGE SINK, SR.
and ROBERT E. TREACY, JR.**

Address:

Charles Wideman
114 North Pond Court
Greenwood, SC 29649
PRO SE PLAINTIFF

s/ J. Calhoun Watson _____
J. Calhoun Watson

August 13, 2021